

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**Court Minutes**

**October 22, 2007**

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Raye Associate Justice; and Cantil-Sakauye, Associate Justice; and Horner, bailiff.

**C051017 THE PEOPLE v. DAVIS**

Cause called. Kyle Gee, court appointed counsel, argued for appellant. Craig S. Meyers, Deputy Attorney General, argued for respondents. Cause submitted.

At 9:57 a.m. the court recessed. At 9:59 a.m. the court reconvened with Blease, Associate Justice; Butz, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C050928 TRICHE-WINSTON et al. v. VASSER et al.**

Cause called. Alma Triche-Winston argued In Pro Per as appellant; Charel Winston argued In Pro Per as appellant; and John David Pereira argued for respondents. Cause submitted.

At 10: 17 a.m. the court recessed. At 2:01 p.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice, and Cantil-Sakauye, Associate Justice.

**C053974 THE PEOPLE v. GLASER**

Cause called. Joan Isserlis, court appointed counsel, argued for appellant. Michael Dolida, Deputy Attorney General, argued for respondents. Cause submitted.

At 2:20 p.m. court recessed, until November 13, 2007 at 9:30 a.m.

**C051471 THE PEOPLE v. BREWER (Not for Publication)  
(Opinion on Rehearing)**

The weapons condition is modified to read: "Defendant shall not own or possess any dangerous or deadly weapon nor remain in any building or vehicle where he knows any person has such a weapon, nor remain in the presence of any person he knows is armed." In all other respects, the judgment is affirmed.

HULL, J.

We Concur: Davis, Acting P.J.  
Raye, J.

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**Court Minutes**

**October 22, 2007, continued**

- C052849      THE PEOPLE v. THOMAS      (Certified for Partial Publication)**  
The judgment is affirmed.  
HULL, J.  
We Concur: Davis, Acting P.J.  
Morrison, J.
- C053613      THE PEOPLE v. WOODCOX      (Not for Publication)**  
The judgment is affirmed.  
HULL, J.  
We Concur: Nicholson, Acting P.J.  
Cantil-Sakauye, J.
- C054048      THE PEOPLE v. HOFFMAN      (Not for Publication)**  
The restitution order is vacated and the case is remanded to the trial court for a new restitution hearing. In all other respects, the judgment is affirmed.  
HULL, J.  
We Concur: Davis, Acting P.J.  
Morrison, J.
- C054430      THE PEOPLE v. ROBERTSON      (Not for Publication)**  
The no contact order is stricken and the judgment is otherwise affirmed.  
HULL, J.  
We Concur: Nicholson, Acting P.J.  
Cantil-Sakauye, J.
- C050295      In re E.J.; THE PEOPLE v. E.J.      (Not for Publication)**  
The juvenile court's sustaining of the charge of making a criminal threat in violation of section 422 is reversed and that charge is dismissed. The juvenile court's order prohibiting appellant from associating with anyone on probation is amended to read "[insert appellant's full name] is to have no association with [insert co-minor J.H.'s full name] or anyone he knows to be on probation." The juvenile court is directed to amend its records to reflect the foregoing changes and to forward the appropriate documents to appellant and the probation department. In all other respects, the judgment is affirmed.  
NICHOLSON, J.  
We Concur: Blease, Acting P.J.  
Cantil-Sakauye, J.

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**Court Minutes**

**October 22, 2007, continued**

- C050356      In re J.H.; THE PEOPLE v. J.H.      (Not for Publication)**  
The juvenile court's order prohibiting appellant from associating with anyone on probation is amended to read "[insert appellant's full name] is to have no association with [insert co-minor E.J.'s full name] or anyone he knows to be on probation." The juvenile court is directed to amend its records to reflect the foregoing changes and to forward the appropriate documents to appellant and the probation department. In all other respects, the judgment is affirmed  
NICHOLSON, J.  
We Concur:    Blease, Acting P.J.  
                 Cantil-Sakauye, J.
- C052703      PATTERSON v. SACRAMENTO CITY      (Certified for Publication)**  
**UNIFIED SCHOOL DISTRICT**  
THE COURT:  
It is ordered that the opinion filed on September 25, 2007, be modified.... There is no change in the judgment. Respondent's petition for rehearing is denied.  
BY THE COURT:  
SIMS, Acting P.J.  
RAYE, J.  
CANTIL-SAKAUYE, J.

**October 23, 2007**

- C051907      THE PEOPLE v. CRUZ      (Not for Publication)**  
The judgment is affirmed.  
BUTZ, J.  
We Concur:    Sims, Acting P.J.  
                 Hull, J.
- C052436      THE PEOPLE v. JAMES      (Not for Publication)**  
The judgment is affirmed.  
MORRISON, J.  
We Concur:    Scotland, P.J.  
                 Robie, J.
- C052989      THE PEOPLE v. CLAYBROOKS      (Not for Publication)**  
The matter is remanded for sentencing on count seven. In all other respects, the judgment is affirmed.  
DAVIS, Acting P.J.  
We Concur:    Morrison, J.  
                 Robie, J.

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**Court Minutes**

**October 23, 2007, continued**

- C053326      THE PEOPLE v. MORGAN      (Not for Publication)**  
The judgment is affirmed.  
BUTZ, J.  
I concur: Raye, Acting P.J.  
I concur in the result:  
Robie, J.
- C053831      THE PEOPLE v. HUITT-LOPEZ      (Not for Publication)**  
The judgment (order of probation) is modified to provide: "Defendant shall not associate with those he knows to be users or reputed users of marijuana, dangerous drugs or narcotics not be in places where he knows narcotics and/or dangerous drugs are illegally present." As modified, the judgment is affirmed.  
ROBIE, J.  
We Concur: Blease, Acting P.J.  
Morrison, J.
- C054019      THE PEOPLE v. FALLON      (Not for Publication)**  
The judgment is affirmed.  
SIMS, J.  
We Concur: Scotland, P.J.  
Cantil-Sakauye, J.
- C055028      THE PEOPLE v. JACOBSON      (Not for Publication)**  
The judgment is modified to reflect that defendant's driving privileges are suspended for four years. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract....  
DAVIS, J.  
We Concur: Blease, Acting P.J.  
Nicholson, J.
- C055029      THE PEOPLE v. LARA      (Not for Publication)**  
The judgment is affirmed. The trial court is directed to correct the abstract of judgment to reflect a \$20 court security fee....  
DAVIS, J.  
We Concur: Blease, Acting P.J.  
Nicholson, J.
- C055038      THE PEOPLE v. ANDERSON      (Not for Publication)**  
The judgment is affirmed.  
MORRISON, J.  
We Concur: Blease, Acting P.J.  
Robie, J.

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CANTIL-SAKAUYE, J.

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**Court Minutes**

**October 24, 2007**

- C052171      THE PEOPLE v. JOHNSON      (Not for Publication)**  
The judgment is affirmed.  
SIMS, J.  
We Concur: Hull, J.  
Butz, J.
- C052764      THE PEOPLE v. FAY      (Not for Publication)**  
The judgment is affirmed.  
HULL, J.  
We Concur: Blease, Acting P.J.  
Robie, J.
- C053011      THE PEOPLE v. SULLIVAN      (Not for Publication)**  
The judgment is affirmed.  
DAVIS, J.  
We Concur: Scotland, P.J.  
Raye, J.
- C053674      THE PEOPLE v. HERTZIG      (Certified for Partial Publication)**  
Nine of the ten counts for possessing child pornography in violation of section 311.11 are reversed and dismissed, and the case is remanded to the trial court for resentencing. In all other respects, the judgment is affirmed.  
RAYE, J.  
We Concur: Davis, Acting P.J.  
Robie, J.
- C053184      In re DARREN W.;      (Not for Publication)**  
**THE PEOPLE v. DARREN W.**  
The disposition order is affirmed.  
HULL, J.  
We Concur: Blease, Acting P.J.  
Robie, J.
- C053057      SHAW v. DONOHUE et al.**  
**BY THE COURT:**  
Stephen H. Bennett's request to publish the opinion filed on October 12, 2007, is denied.  
HULL, Acting P.J.

**October 25, 2007**

**There are no minutes for this date.**

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**Court Minutes**

**October 26, 2007**

- C044703      THE PEOPLE v. ROBINSON      (Certified for Partial Publication)**  
The superior court is directed to correct the abstract of judgment to reflect that defendant was convicted of violating Penal Code section 288a, subdivision (c) (2).... In all other respects, the judgment of conviction is affirmed.  
BLEASE, Acting P.J.  
We Concur: Hull, J.  
Butz, J.
- C053845      THE PEOPLE v. PAYTON      (Not for Publication)**  
The judgment is modified to award 144 days of actual custody credits and 21 days of conduct credits for a total of 165 days presentence custody credits, and with this modification the judgment is affirmed. The trial court is directed to prepare and amended abstract of judgment....  
NICHOLSON, J.  
We Concur: Scotland, P.J.  
Cantil-Sakauye, J.
- C054402      THE PEOPLE v. BURSIAGA      (Not for Publication)**  
The judgment is modified by striking the section 1202.45 restitution fine. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment....  
NICHOLSON, J.  
We Concur: Scotland, P.J.  
Cantil-Sakauye, J.
- C053199      HORANGIC v. EBARA      (Not for Publication)**  
**TECHNOLOGIES INCORPORATED et al.**  
The judgment is reversed. The matter is remanded. . . with directions to vacate the order granting summary judgment to defendants and to enter a new order denying summary judgment but granting summary adjudication on plaintiff's fourth and fifth causes of action. Plaintiff is awarded his costs on appeal.  
HULL, J.  
We Concur: Davis, Acting P.J.  
Raye, J.
- C054705      Adoption of LAUREN D. et al.;      (Certified for Publication)**  
**David A. v. Victor D.**  
The order is reversed. (CERTIFIED FOR PUBLICATION.)  
NICHOLSON, J.  
We Concur: Blease, Acting P.J.  
Davis, J.

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**Court Minutes**

**October 26 2007, continued**

**C055222      In re M.F.;      (Not for Publication)  
EL DORADO COUNTY DEPARTMENT  
OF SOCIAL SERVICES v. K.M.**

The orders of the juvenile court are affirmed.

NICHOLSON, J.

We Concur:    Blease, Acting P.J.

Davis, J.